

## **Administrative Regulation 624**

### **Placement of Infants (Temporary)**

**Effective date:** May 19, 2008

**AUTHORITY:** NRS 209.131, 209.381

The Nevada Department of Corrections (NDOC) sets forth the following procedures regarding the release of newborn children delivered by NDOC inmates.

#### **RESPONSIBILITY**

The Warden of Florence McClure Women's Correctional Center (FMWCC) will exercise overall control and administration of all procedures regarding birth by NDOC inmates.

Temporary guardianship of newborn infants shall be determined by, and the responsibility of, the NDOC inmate (mother) giving birth.

**PURPOSE:** To set forth procedures regarding the release of newborn children delivered by inmates in community-based medical facilities and/or the institution.

**OBJECTIVE:** To provide a written procedure whereby a pregnant inmate can prepare a placement plan for her newborn infant.

#### **624.01 METHODS:**

Procedure: Placement of a child born to an inmate of NDOC.

- A. Any female inmate that is either visibly pregnant upon admission or confirmed by the NDOC Medical Department to be pregnant will remain at FMWCC for the duration of her pregnancy unless transfer to the Regional Medical Facility in Carson City is directed by the Medical Division.
- B. The Medical Division will examine the inmate as soon as possible to confirm the pregnancy, to determine the stage of the pregnancy, and to determine an anticipated date of delivery.
- C. The Medical Division will notify the Warden and Clinical Social Worker III (CSWIII), in writing, when the diagnosis of pregnancy is confirmed. The CSWIII will notify the State Division of Child and Family Services (DCFS) and, when appropriate, will also notify the local Child Welfare Agency (CW Agency) when the diagnosis of pregnancy is confirmed and will establish an institutional file documenting the inmate's pregnancy. The file shall be maintained by the CSWIII.
- D. The CSWIII will review the pregnant inmate's legal history to establish that she has no history of child abuse and/or neglect. In the event that there is evidence of such behavior, in the interest of prevention, the CSWIII will immediately notify DCFS and, when appropriate, the local CW Agency regarding the inmate's history of such behavior.

**624.02 INMATE OPTIONS AND CHILD PLACEMENT PLAN:**

- A. No one will coerce, urge, or discourage the inmate in making a decision as to child placement.
- B. The CSWIII will make arrangements to interview the inmate and inform her of her rights and the rights of her unborn infant as set forth in NRS 159.205. If the inmate is to remain incarcerated for the duration of the pregnancy, the inmate will complete the "Nomination and Consent to Guardianship and Temporary Custody" form.
- C. Six (6) copies of the Nomination and Consent to Guardianship and Temporary Custody form will be prepared and signed by both the inmate and the CSWIII.
  - 1. The inmate will receive a copy of the Nomination and Consent to Guardianship and Temporary Custody form; one copy will be maintained in the inmate's I-File; and the original and one copy will be maintained in the inmate's medical chart. The original will accompany her to the hospital at the time of birth and shall be given to the hospital Social Worker upon arrival. To establish a potential for neglect or threat of harm to the infant, a fifth and sixth copies will be made and forwarded to DCFS and, when appropriate, the local CW Agency in the event that the inmate has a documented history of child abuse and/or neglect.
  - 2. If at any time during the course of the pregnancy the inmate's child placement plans change, a new Nomination and Consent to Guardianship and Temporary Custody will be completed and copies disseminated in accordance with item 1 above.
- D. The CSWIII will discuss, and assist the pregnant inmate in arranging the infant's release:
  - 1. Regarding placement of the infant with relative(s); with friends; placement of the infant for adoption; or placement of child into foster care.
  - 2. The CSWIII will arrange and co-facilitate meetings and/or telephone calls at FMWCC between the pregnant inmate and potential adoption and/or foster care entities or their legal representative(s).
  - 3. In the event that the inmate has no plan for placement of the infant, the CSWIII will immediately notify DCFS and, when appropriate, the local CW Agency and arrange for them to meet with the pregnant inmate.
- E. To Relinquish Custody of Her Infant at Birth to a Relative/Friend:
  - 1. It will be the responsibility of the inmate to complete the Nomination and Consent to Guardianship and Temporary Custody and to make custody arrangements concerning the relative/friend that will assume custody of the infant at the hospital. If the inmate requires assistance in completing the Nomination and Consent to Guardianship and Temporary Custody, the CSWIII will assist the inmate.
  - 2. It will be the responsibility of the inmate to provide pertinent information regarding the relative(s) to the CSWIII.
  - 3. It is the responsibility of the inmate to plan for the placement of her newborn infant and to ensure that the relative and/or guardian assuming custody is willing and able to care for the infant, and brings photo identification, appropriate clothing, and an infant car seat when assuming custody of the newborn infant.
  - 4. The relative/friend, assuming custody of the infant—as designated on the Nomination and Consent to Guardianship and Temporary Custody form—shall consent to a criminal background investigation. The criminal history investigation shall be conducted by the FMWCC Corrections Casework Specialist III (CCSIII) through the use of the National Crime Information System (NCIS). Any further investigation determined to be necessary would be conducted through DCFS. In the interest of prevention, custody of the infant



shall not be granted to any so designated party prior to the proposed guardian signing a Consent for Release of Criminal History Records (DOC 1021), and such background check is completed and the result received. Only a current criminal background investigation for the specific purpose of child guardianship shall be accepted. Prior criminal background investigation(s) for other purposes, e.g., visitation, etc., shall not be accepted.

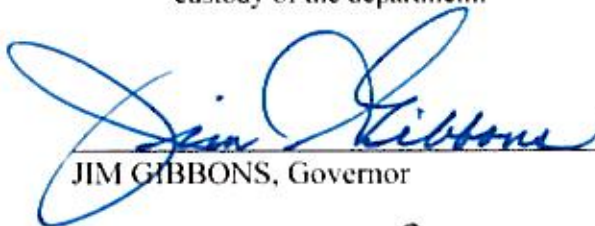
5. If the results of criminal Background Investigation deem the prospective guardian inappropriate to assume custody of the infant, due to past criminal behavior, the CSWIII shall contact DCFS and, where appropriate, the local CW Agency who, in the interest of prevention, will arrange placement of the infant in a manner they deem appropriate.

F. Documentation

1. The FMWCC CSWIII shall maintain a separate file for each pregnant inmate that, at a minimum, will contain a copy of the Nomination and Consent to Guardianship and Temporary Custody form; all correspondence to outside agencies; and a chronological record of activities and contacts relative to each inmate's activity as it pertains to her child custody issues. These files will be maintained in accordance with the requirements of the State Archivist. The CSWIII will, when appropriate, contact the inmate and the temporary guardian one month prior to the expiration of the temporary guardianship to assure appropriate continuation of placement occurs.
2. The FMWCC CSWIII shall document into Nevada Offender Tracking Information System (NOTIS) all information relative to each inmate's activity as it pertains to her child custody issues.

G. Financial Responsibility:

1. The Nevada Department of Corrections will not be responsible for any infant medical expenses subsequent to the birth since the newborn is never placed into the care and custody of the department.

  
JIM GIBBONS, Governor

5-16-'08  
Date

  
Department of Corrections

5-16-08  
Date

  
HOWARD SKOLNIK, Director of Corrections

5/16/08  
Date